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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,695	04/09/2004	Kaoru Masuda	KOBE.0061	8731
7590 12/02/2008 REED SMITH HAZEL & THOMAS Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042			EXAMINER DELCOTTO, GREGORY R	
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			12/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,695

Applicant(s)

MASUDA ET AL.

Examiner

Gregory R. Del Cotto

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 10/20/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-10,14,16 and 18-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7-10,14,16 and 18-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 5, 7-10, 14, 16, and 18-43 are pending. Claims 2-4, 6, 11-13, 15, and 17 have been canceled. Note that, Applicant's amendments and arguments filed 10/20/08 have been entered.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/08 has been entered.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/240,848 filed on 10/4/02.

Objections/Rejections Withdrawn

The following objections/rejections as set forth in the Office action mailed 4/18/08 have been withdrawn:

The rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Mullee (US 6,306,564) in view of Vaarstra and Skee et al (US 5,989,353) as applied to claims 1, 5, 7, 8, 10, 14, 16, 18-20, and 23-26, and further in view of WO01/33613 has

been withdrawn due to the previous incorporation of claim 13 into the independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 5, 7, 8, 10, 14, 16, 18-20, 23-30, 32-37, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullee (US 6,306,564) in view of Vaartstra (US 6,242,165) and Skee et al (US 5,989,353).

Mullee teaches a commercially available solvent, such as a stripping chemical and/or an organic solvent, is supported by supercritical CO₂ to remove a resist, its residue, and/or an organic contaminant off the surface of a semiconductor wafer. See Abstract. Preferred types of chemicals include N-methyl pyrrolidone, diglycol amine, hydroxyl amine, catechol, tertiary amines, ammonium fluoride, ammonium bifluoride, etc. Other chemicals such as an organic solvent may be used independently or added to one or more of the chemicals to remove organic contaminants from the wafer surface. These solvents include an alcohol, dimethyl sulfoxide, methanol, ethanol, etc. See column 4, lines 10-30. Although conventionally large amounts of chemicals can be used, it is preferred to introduce each of these chemicals or mixtures of chemicals in an amount that is less than about 15% by volume. See column 4, lines 30-38.

Mullee does not teach an alkyl ammonium fluoride, a quaternary ammonium hydroxide, or a cleaning composition containing carbon dioxide, an alkyl ammonium fluoride compound, a quaternary ammonium hydroxide, a cosolvent, and the other requisite components in the specific proportions as recited by the instant claims.

Vaartstra teaches a method for removing organic material in the fabrication of structures including providing a substrate assembly having an exposed organic material and removing at least a portion of the exposed organic material using a composition having at least one component in a supercritical state. See Abstract. Additionally, other components may be added to the compositions to enhance the organic material removal process. Buffering agents such as ammonium fluoride, tetramethyl ammonium

fluoride, surfactants, etc., may be added to the compositions. See column 6, lines 10-25.

Skee et al teach microelectronics substrates which are cleaned to remove metal contamination while maintaining wafer substrate surface smoothness by contacting the wafer substrate surfaces with an aqueous cleaning solution of an alkaline, metal ion-free base and a polyhydroxy compound. See Abstract. Suitable alkaline components include tetramethylalkyl ammonium hydroxide, tetraethyl ammonium hydroxide, 2-methyl-1, 5-pentanediamine, monoethanolamine, etc. See column 5, lines 1-25.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use tetramethyl ammonium fluoride in the cleaning composition taught by Mullee, with a reasonable expectation of success, because Vaartstra teaches the equivalence of tetramethyl ammonium fluoride to ammonium fluoride in a similar cleaning composition and further, Mullee teaches the use of ammonium fluoride.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use tetramethylammonium hydroxide in the composition taught by Mullee, with a reasonable expectation of success, because Skee et al teach the equivalence of quaternary ammonium hydroxide to various amines as an alkaline compound in a similar cleaning composition and further, Mullee teaches the use of alkaline compounds including various amines.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a cleaning composition containing carbon dioxide, a fluoride compound, a quaternary ammonium hydroxide, a cosolvent, and the other

requisite components in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of Mullee in combination with Vaartstra and Skee et al suggest a cleaning composition containing carbon dioxide, a fluoride compound, a quaternary ammonium hydroxide, a cosolvent, and the other requisite components in the specific proportions as recited by the instant claims.

Claims 21, 22, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullee (US 6,306,564) in view of Vaarstra and Skee et al (US 5,989,353) as applied to claims 1, 5, 7, 8, 10, 14, 16, 18-20, 23-30, 32-37, and 40-43 above, and further in view of McCullough et al (US 5,976,264).

Mullee, Vaartsra, and Skee et al are relied upon as set forth above. However, none of the references teach the use of methane or a fluorosurfactant in addition to the other requisite components of the composition as recited by instant claims 21 and 22.

McCullough et al teach a method for the removal of fluorine or chlorine residue from an etched precision surface such as a semiconductor sample which comprises exposing said precision surface to liquid CO₂ under appropriate conditions that are sufficient to remove the residue from the precision surface. See Abstract. The preferred supercritical fluid is carbon dioxide which may be used alone or in admixture with another additive such as H₂O, Ar, NH₃, methane, etc. Surfactants which aid in removing the reactive ion etching residue from the semiconductor sample containing at least one CF_x functional group may also be used in conjunction with a supercritical fluid. See column 5, lines 5-30.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use methane in the cleaning composition taught by Mullee with a reasonable expectation of success, because McCullough et al teach the equivalence of methane to carbon dioxide as a supercritical fluid in a similar cleaning composition and further, Mullee teach the use of carbon dioxide as a supercritical fluid.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a surfactant containing at least one CF_x functional group in the composition taught by Mullee with a reasonable expectation of success, because McCullough et al teach the use of a surfactant containing at least one CF_x functional group aid in semiconductor residue removal in a similar composition which would be desirable in the compositions taught by Mullee.

Claim 9 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullee (US 6,306,564) in view of Vaarstra and Skee et al (US 5,989,353) as applied to claims 1, 5, 7, 8, 10, 14, 16, 18-20, 23-30, 32-37, and 40-43 above, and further in view of McCullough et al (US 5,976,264).

Mullee, Vaarstra, and Skee et al are relied upon as set forth above. However, Mullee do not teach the use of water in addition to the other requisite components of the composition as recited by the instant claims.

McCullough et al are relied upon as set forth above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use water in the cleaning composition taught by Mullee, with a reasonable expectation of success, because McCullough et al teach the equivalence of

H₂O to carbon dioxide as a supercritical fluid in a similar cleaning composition and, further, Mullee teaches the use of supercritical CO₂.

Response to Arguments

With respect to the rejection of the instant claims under 35 USC 103 using Mullee (US 6,306,564) in view of Vaartstra (US 6,242,165) and Skee et al (US 5,989,353), Applicant states that various data presented in the instant specification shows that ammonium fluoride and tetramethyl ammonium fluoride are not equivalent materials when used in combination with supercritical carbon dioxide. Specifically, Applicant states that in Experiment 4 of the specification, it is shown that compositions containing ammonium fluoride need a water rinse to remove residue while compositions containing TMAF or TBAF do not need a water rinse step and thus, ammonium fluoride and TMAF or TBAF are not equivalent. Additionally, Applicant states that Experiment 5 of the instant specification shows that compositions containing ammonium fluoride exhibit a higher etch rate than compositions containing TMAF which will present difficulty in being controlled by adjusting the concentration of the additive and ethanol and their ratios compared to the compositions containing TMAF. In response, note that, the Examiner asserts that this data is not sufficient to show that ammonium fluoride and TMAF or TBAF are not equivalent when used in the compositions as recited by the instant claims since the data presented is not commensurate in scope with the claimed invention. For example, the instant claims recite a broad number fluoride additives, any cosolvent, any basic compound, etc., in any amount while the data presented in Tables 5 and 6 of the instant specification show results with respect to only two fluoride compounds, one or

two solvents, etc., in two specific amounts which is not commensurate in scope with the claimed invention. Thus, the Examiner asserts that the data presented in the instant specification is not sufficient to place the instant claims in condition for allowance.

With respect to the Declaration filed under 37 CFR 1.132 and submitted on 7/29/08, the Examiner asserts that the Declaration is not sufficient to remedy the deficiencies of the instant specification and place the instant claims in condition for allowance. Note that, the 132 Declaration simply states that ammonium fluoride was not dissolved in the co-solvent ethanol and thus, was not dissolved or dispersed homogeneously in carbon dioxide. Instead, the Declaration states that ammonium fluoride was dissolved in a combination of co-solvents, namely, deionized water, acetic acid, and ammonium acetate. The Examiner asserts that the Declaration simply reiterates that data presented in the instant specification and does not provide any additional quantitative data showing the unexpected and superior properties of the claimed invention. Additionally, the instant claims do not require the use of ethanol and are open to any co-solvent including a combination of deionized water, acetic acid, and ammonium acetate which was shown to dissolve ammonium fluoride.

With respect to the rejection of instant claims 21, 22, 38, and 39 under 35 USC 103 using Mullee (US 6,306,564) in view of Vaarstra and Skee et al (US 5,989,353) as applied to the rejected claims above, and further in view of McCullough et al (US 5,976,264), and the rejection of instant claims 9 and 31 under 35 USC 103 using Mullee (US 6,306,564) in view of Vaarstra and Skee et al (US 5,989,353) as applied to the rejected claims above, and further in view of McCullough et al (US 5,976,264),

Applicant states that McCullough et al fails to provide any disclosure, teaching or suggestion that make up for the deficiencies of Mullee, Vaartstra, Skee, and the knowledge generally available to one ordinary skill in the art at the time the invention was made. In response, note that, the Examiner maintains that Mullee (US 6,306,564) in view of Vaartstra and Skee et al (US 5,989,353) are sufficient to suggest the composition as recited by the instant claims. McCullough et al is a secondary reference relied upon for its teaching of methane, a fluorosurfactant or water-containing compositions. The Examiner maintains that one of ordinary skill in the art clearly would have been motivated to use methane in the cleaning composition taught by Mullee with a reasonable expectation of success, because McCullough et al teach the equivalence of methane to carbon dioxide as a supercritical fluid in a similar cleaning composition and further, Mullee teach the use of carbon dioxide as a supercritical fluid. Also, it would have been obvious to one of ordinary skill in the art to use a surfactant containing at least one CF_x functional group in the composition taught by Mullee with a reasonable expectation of success, because McCullough et al teach the use of a surfactant containing at least one CF_x functional group aid in semiconductor residue removal in a similar composition which would be desirable in the compositions taught by Mullee. Further, it would have been obvious to one of ordinary skill in the art to use water in the cleaning composition taught by Mullee, with a reasonable expectation of success, because McCullough et al teach the equivalence of H_2O to carbon dioxide as a supercritical fluid in a similar cleaning composition and, further, Mullee teaches the use of supercritical CO_2 .

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

Applicant is reminded that any evidence to be presented in accordance with 37 CFR 1.131 or 1.132 should be submitted before final rejection in order to be considered timely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory R. Del Cotto/
Primary Examiner, Art Unit 1796

/G. R. D./
November 23, 2008